

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. SPRINT COMMUNICATIONS Respondent.	DOCKET NO. FCU-03-47
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**ORDER DOCKETING FOR FORMAL PROCEEDING
AND REQUESTING RESPONSE**

(Issued January 20, 2004)

On September 2, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103 (2003), asking that the Board review the proposed resolution issued in C-03-183, involving Sprint Communications (Sprint) and consider the possibility of assessing a civil penalty pursuant to Iowa Code § 476.103(4)"a." Based upon the record assembled in the informal complaint proceedings (which are a part of the record in this proceeding pursuant to 199 IAC 6.7), it appears the events to date can be summarized as follows:

On July 21, 2003, Mr. Jim Danks filed a written complaint with the Board alleging that his subscribed long distance service had been changed to Sprint without proper authorization. Board staff identified the matter as C-03-183 and, pursuant to Board rules, on July 24, 2003, forwarded the complaint to Sprint for response.

Sprint responded to the complaint on August 15, 2003, stating that its records showed that it received a "Letter of Agency for Residential Long Distance Service" (LOA) that was executed on June 3, 2003, in a Sprint PCS store by Elizabeth Danks. Sprint provided a copy of the LOA and stated that Mr. Danks's account with Sprint was closed and as a courtesy to Mr. Danks, it fully credited Mr. Danks's account for the amount of the charges billed during the time the account was open.

On August 19, 2003, Board staff issued a proposed resolution describing these events and proposing that the credit offered by Sprint represented a fair resolution of the situation. No party other than the Consumer Advocate has challenged the staff's proposed resolution.

In its September 2, 2003, petition, Consumer Advocate asserts that the signature on the LOA is not genuine. Consumer Advocate suggests that the proposed resolution is not supported by the facts of the underlying complaint and that sufficient reasons exist to merit an investigation into the matter. In addition, Consumer Advocate asserts that other slamming complaints received by Board staff have named Sprint as the alleged violating company. Consumer Advocate requests that the Board docket this complaint for a formal proceeding and impose civil penalties on Sprint. Sprint has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date as well as the additional slamming complaints made against Sprint and finds that there is sufficient information to warrant further investigation in this matter. The Board recognizes that there has not been any action in this matter for some time. Therefore, the Board will delay establishing a procedural schedule until March 5, 2004, and allow Sprint an opportunity to respond to the allegations raised in Consumer Advocate's petition.

IT IS THEREFORE ORDERED:

1. The "Petition for Proceeding to Impose Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on September 2, 2003, is granted and docketed for formal proceeding.
2. Sprint Communications is requested to file a response to the petition filed by Consumer Advocate on September 2, 2003, on or before March 5, 2004.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of January, 2004.